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GOVERNMENT GAZETTE

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GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

Notification

RD/TNC/RLS/415/67

The following draft rules which are proposed to be made under sections 54 and 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, are hereby published.

The draft rules would be taken into consideration after 23rd January 1968. Any person who has any suggestions or objections to the said draft rules may send them to the Revenue Secretary on or before the aforesaid date.

In exercise of the powers conferred by sections 54 and 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government is pleased to make the following rules, namely:

CHAPTER I

Preliminary

1. Short title and commencement. — (1) These Rules may be called the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967.

(2) They shall come into force at once.

2. Definitions. — (1) In these Rules, unless there is anything repugnant in the subject or context —

(a) «Act» means the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

(b) «boundary mark» means any erection, whether of earth, stone or other material, and also any hedge, unploughed ridge, or strip of ground, or other object whether natural or artificial, set up, employed, or specified by a survey officer or revenue officer having authority in that behalf, in order to designate the boundary of any division of land;

(c) «class of land» means any of the following classes of land, namely, dry crop, rice, garden land or non-arable land;

(d) «Collector» shall mean and include the Collector of the District of Goa, Collector of the District of Daman and the Civil Administrator of the District of Diu;

(e) «form» means a form appended to these rules;

(f) «Government lessee» means and includes a person holding land from the Government on emphyteusis or provisional concession;

(g) «holder» means a person lawfully in possession of land, whether such possession is actual or not;

(h) «holding» means a portion of land held by a holder;

(i) «survey mark» means, for the purposes of these rules, a mark erected for purposes of cadastral survey of land;

(j) «survey number» means a portion of land of which the area and assessment are separately entered, under an indicative number in the land records;

(k) «village» means a village as constituted under clause (a) of sub-rule (1) of rule 7.

(2) Words and expressions used but not defined in these rules, shall have the meanings assigned to them in the Act.

CHAPTER II

Revenue Survey of Land

3. Revenue Survey. — The operation carried out in accordance with the provisions of these Rules in order to admeasure land and for the preparation and preservation of record of rights connected therewith or for any other similar purpose in any local area is called a revenue survey. Such survey may extend to the lands of any village, town or city, generally or to such land as the Government may direct.

4. Government to direct revenue survey and appoint officers. — (1) Whenever the Government thinks it expedient so to do, it may, by notification in the official gazette, direct any or all of the following officers to conduct the revenue survey of any local area with a view to the preparation of record

of rights connected therewith or for the revision of any existing record of rights:

- (a) Collector;
- (b) Director of Land Survey;
- (c) Sub-Divisional Officers;
- (d) Mamlatdars;
- (e) Survey Officers:

The Director of land Survey or the Collector may in turn and by a similar notification, appoint the following officers in respect of local areas as may be specified therein;

- (a) Awal Karkuns;
- (b) Circle Inspectors;
- (c) Talathis.

5. Service from holders of land and village officers. — It shall be lawful for a Survey Officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of land and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacity are legally or by usage, bound to perform service by virtue of their respective offices, and to require from them such assistance in the operation of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

6. Assistance to be given by holders and others in measurement of lands. — It shall be lawful for a Survey Officer, while conducting surveys mentioned in the preceding rule, to call upon all holders of land and other persons interested therein, to assist in the measurement of the lands to which the survey extends by furnishing flag-holders and the like; and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand..

7. Survey numbers. — (1) Subject to the minimum size of a survey number that may be fixed from time to time for the several classes of land by the Government, the survey officer may:—

- (a) divide the lands to which the revenue survey extends into survey numbers and group the survey numbers into villages;
- (b) recognise the existing survey numbers of plot numbers or lot numbers, reconstitute them or form new survey numbers or
- (c) divide the survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) Every holding not less in area than the minimum fixed under sub-rule (1) shall be separately measured, classified and defined by boundary marks and entered in the land records as a survey number.

(3) Every holding less in area than the minimum fixed under sub-rule (1), shall be separately measured, classified and entered in the land records as

a sub-division of that survey number in which it is directed to be comprised.

8. Entry of survey numbers and sub-divisions in records. — (1) The area and classification of survey numbers and sub-divisions of survey numbers shall be recorded in a book or embodied in a plane table map in such forms as shall be prescribed by the Director of Land Survey for such survey. The said books or maps shall be preserved as a record of the survey.

(2) The original measurement made by the subordinate survey officers employed for the purpose, shall be tested by the officers in charge of measuring establishments in such manner and to such an extent as the Director of Land Survey shall deem sufficient.

(3) Village maps shall be prepared under the orders of the Director of Land Survey, showing each survey number and its boundary marks and the sub-divisions of the survey number and their boundary marks.

9. Amalgamation of Survey numbers and Sub-Divisions. — (1) Any survey number or sub-division of a survey number may be amalgamated with any other coterminous survey number with the sanction of the Collector and, upon the application of the holder whenever all the parcels of land proposed for amalgamation are held by the same holder upon the same area.

(2) Any sub-division may be amalgamated without prior sanction with any coterminous sub-division of the same survey number held by the same holder upon the same area.

(3) When such amalgamation is affected, the two or more portions of land shall become one entry in the land record bearing the same distinguishing numbers as the first in series of the amalgamated area. Any boundary marks placed between the amalgamated holding shall be removed and the village map corrected accordingly.

10. Division of survey numbers into new survey numbers. — Where any portion of cultivable land is permitted to be used under orders of a competent authority, for any non-agricultural purpose, such portion may, with the sanction of the Collector, be made into a separate survey number at any time.

11. Maintenance of records. — For all lands which are surveyed under the provisions of these rules, it shall be the duty of the Director of Land Survey —

- (a) to cause to be corrected any arithmetical or clerical errors whenever discovered;
- (b) to cause to be incorporated punctually in the land records all changes in boundaries, areas, either of survey number or of their sub-divisions which are made under orders of a competent authority.

12. Director to issue instructions and forms. — Details instructions and forms shall be drawn up and maintained by the Director of Land Survey subject to the orders and approval of the Government, for the proper carrying out of the provisions of Rule 11.

13. City Survey. — The Government, may at any time, direct a survey or resurvey of lands, other than

those used ordinarily for the purpose of agriculture only within the site of any village, town or city. Such survey shall be conducted and all its operations shall be regulated according to the provisions made in the preceding Rules of this Chapter.

14. Survey Fee to be charged. — Every holder of a building site in respect of which a survey under the preceding rule is carried out, shall be liable to the payment of a survey fee at such rate as may be prescribed by the Director of Land Survey with the previous approval of the Government.

15. Sanad to be granted. — Every holder of a building site, as aforesaid, shall be entitled, after payment of the said survey fee, to receive without extra charge, one or more sanads, in the prescribed form specifying, by plan and description, the extent and conditions of his holding.

CHAPTER III Boundaries and Boundary Marks

16. Fixation and demarcation of boundaries. — Boundaries of all villages and of all survey numbers in villages therein shall be fixed and demarcated by boundary marks.

17. Determination of village boundaries. — The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by survey officers or by such other officers as may be appointed by the Government for the purpose, after holding a formal inquiry at which the village officers and after giving all persons interested, an opportunity of appearing and producing evidence.

18. Determination of field boundaries. — If at the time of a survey, the boundary of a field or holding is undisputed, and its correctness is affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation and, if disputed or if the said holder or person in occupation is not present, it shall be fixed by the survey officer according to the land records and according to occupation as ascertained from the village officers and the holders of the adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

19. Disputes regarding boundaries between villages, survey numbers and sub-divisions. — If any dispute arises concerning the boundary of a village or a field or a holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any village or survey number or sub-division of a survey number, it shall be decided by the Collector after holding a formal inquiry at which the village officers and all persons interested therein shall be given an opportunity of appearing and producing evidence before him.

20. Effect of settlement of boundary. — (1) The settlement of a boundary under this Chapter shall be determinative: —

- (a) of the proper position of the boundary lines or boundary marks; and
- (b) of the rights of the holders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings;

(2) Where a boundary has been so fixed, the Collector may at any time summarily evict any person who holds land and who is wrongfully in possession of any land which has been adjudged in the settlement of boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

(3) Subject to the provisions of sub-rules (4) and (5), an appeal shall be to the Government against an order of ejectment under sub-rule (2).

(4) Where any person has been ejected or is about to be ejected from any land under the provisions of sub-rule (2), he may, within a period of one year from the date of ejectment or the settlement of the boundary, institute a civil suit to establish his title thereto;

Provided that, the Government or the Collector or any revenue or survey officer as such, shall not be made a party to such suit.

(5) Where a civil suit has been instituted under sub-rule (1) against any order of ejectment under the provisions of sub-rule (2), such order shall not be subject to an appeal to the Government under sub-rule (3).

21. Construction and repair of boundary marks of survey numbers and villages. — (1) It shall be lawful for any survey officer authorised in this behalf to erect or cause to be constructed, laid out, maintained or repaired, boundary marks and survey marks of villages or survey numbers or sub-divisions and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Such officer may by a notice in writing, require landholders to construct, lay out, maintain or repair within a specified time, the boundary marks or survey marks of their respective survey numbers or sub-divisions; and on their failure to do so the survey officer shall construct, lay out or repair them and assess all charges incurred thereby as hereinbefore provided.

(3) The boundary marks and survey marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimension and materials as may be determined by the Director of Land Survey according to the requirement of soil, climate, durability and cheapness of materials.

22. Responsibility for maintaining boundary marks. — Every person who holds land or is in possession thereof shall be responsible for the maintenance and good care of the boundary marks and survey marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the Revenue Officers to prevent the destruction or unauthorised alteration of the village boundary marks or survey marks.

23. Determination of responsibility for maintenance. — (1) The responsibility of the land holders for boundary marks on a common boundary lies on the holder of the survey number which is numerically lowest.

(2) The provisions of sub-rule (1) is subject to the conditions that when any survey number is not

occupied or assigned for Government purposes the responsibility for repair of the marks on its periphery will pass on to the land holders on the other side of the boundary. Repairs will be made at Government expenses only when the marks in disrepair lie between survey numbers, each of which has no holder, except the Government.

(3) Within each survey number the holder or holders of each sub-division are responsible for the marks, if any, have been prescribed, to the periphery of that sub-division to the same extent as they would be responsible if «sub-division» were read instead of «survey numbers» in sub-rules (1) and (2).

(4) A mark which is on the common boundary of two or more villages must be repaired by the holder of the land in the village which is under restoration when the marks are found out of repair.

24. Collector to have charge of boundary marks. — After the survey operations are over, the charge of the boundary marks and survey marks shall devolve on the Collector, and it shall be his duty to take measures for their constructions, laying out, maintenance and repair and for this purpose the powers conferred on survey officers by Rule 21 shall vest in him.

25. Penalty for injuring boundary marks. — Any person willfully erasing, removing or injuring a boundary mark or survey mark, shall on summary inquiry by a revenue officer, be liable for a penalty not exceeding fifty rupees for each mark so erased, removed or injured.

CHAPTER IV Land Records

26. Preparation of record of rights. — It shall be lawful for the Government to take all measures for the preparation and maintenance of land records, including the record of rights and maps, and all other matters connected therewith or incidental thereto.

27. Record of rights. — (1) A record of rights in land as owner, occupant, tenant, Government lessee (including a holder of land under an emphyteusis or provisional concession), mortgagee or howsoever, shall be maintained in every village in the form of a separate card in Form I for each survey number or as the case may be sub-division of a survey number or where the land is not surveyed, for each field, and such record of rights shall include the following particulars, namely—

- (a) Survey number, sub-division number, name of the field, area of the land and the tenure on which it is held;
- (b) Names of all persons who are owners, occupants, Government lessees or mortgagees of the land;
- (c) Names of tenants, if any, on the land;
- (d) Names of persons holding an encumbrance or any other charge or right on the land;
- (e) The nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;
- (f) The rent, if any, payable for the land.

(2) The first preparation of a record of rights in any village shall be made in accordance with the procedure prescribed in rule 29 by the Mamatdar or any other officer as may be specified by Government in this behalf.

(3) The record of rights shall be maintained up-to-date in accordance with the provisions of rules 28 and 29.

28. Acquisition of rights to be reported. — Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as owner, holder, occupant, mortgagee, landlord, tenant or Government lessee of any land, shall report orally or in writing his acquisition of such right to the Talathi within three months, from the date of such acquisition and the said Talathi shall at once give a written acknowledgement of the receipt of such report to the person making it;

Provided that, where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Talathi.

Provided further that, any person acquiring a right with the permission of the Collector or by virtue of a registered document shall be exempted from the obligation to report to the Talathi.

Provided also that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of any law for the time being in force, such person on being required by the Talathi so to do, produce such evidence of the order by which such permission is given.

Explanation I — The rights mentioned above include a mortgage without possession but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II — A person in whose favour a mortgage is discharged or extinguished, or lease determined acquires a right within the meaning of this section.

Explanation III — For the purpose of this Chapter the term «Talathi» includes any person appointed by the Collector to perform the duties of a Talathi under this Chapter.

First preparation of Record of Rights

29. Issue of notice. — (1) When the Record of Rights is to be introduced in any village for the first time, the Talathi shall issue a public notice in Form II calling upon all persons who have any interest in the lands in the village to furnish to him either in writing or orally information on all or any of the following points within one month from the date of the public notice:—

- (i) Survey number and sub-division number, if any, of the land (or where the lands are not surveyed, the name of the field and its boundaries) in which he has any interest as holder, occupant, owner, tenant, landlord, mortgagee, Government lessee or in any other manner.

- (ii) The nature of interest in the land.
- (iii) The tenure on which the land is held, that is to say whether the land is held as owner, occupant or Government lessee.
- (iv) The encumbrance or charge, if any, on the land and the name of the holder of such encumbrance or charge.

(2) The aforesaid notice shall be published in the village by beat of drum and by affixing copies thereof in a conspicuous place in the village and where there is a village panchayat in the office of the village panchayat.

30. Preparation of Index of Lands.—(1) The Talathi shall on the basis of the information received under rule 29 or such information as he may collect by making local inquiry prepare a draft of the Index of land in the village in Form III.

(2) The draft of the Index of lands prepared under sub-rule (1) shall, after being checked by the Circle Inspector or a Survey Officer not below the rank of a Circle Inspector, be published by issuing a notice in Form IV and publishing the notice in the manner provided in sub-rule (2) of rule 29. The notice shall call upon all persons having interest in the lands in the village to inspect the draft, which shall be kept open for inspection on the dates and times and at a place (which shall be convenient to the villagers) to be specified in such notice and to submit to him in writing within one month from the last date for inspection specified in the said notice their objections, if any, to any of the entries in the draft. The notice shall also mention the date (such date being not earlier than one month from the expiry of the period specified for submission of objections) on which the entries in the draft will be read aloud in public and the objections received within the prescribed period shall be inquired into and decided by a Survey Officer or as the case may be, a Revenue Officer not below the rank of an Awal Karkun and call upon the persons having interest in lands to be present at the aforesaid occasion.

(3) If from the objection received by the talathi under sub-rule (2), he finds that disputes exist relating to entries in respect of certain lands, he shall enter such disputes in a register of disputed cases, which shall be maintained for each village in Form V. He shall simultaneously give individual notice in Form VI to each person who appears to him to be interested in the disputed entry, informing him of the dispute and calling upon him to be present on the date the dispute is to be heard and decided.

(4) On the date specified in the notice issued under sub-rule (2), the Revenue or Survey Officer concerned shall at the appointed place and time read aloud in the presence of the persons assembled, the draft of the Index of Lands for the village. He shall then inform them of the lands in respect of which disputes have been raised and ask them whether they admit the entries in respect of the remaining lands. If they admit such entries the officer shall make a remark to that effect in the remarks column of the draft. If in respect of any entry any error is pointed out and is admitted by all concerned, the entry shall be corrected and a remark made to that effect in the remarks column. If a dispute is raised in respect of any entry it shall be entered in the register of disputed cases.

(5) Thereafter the officer concerned shall, after verifying whether the talathi has given individual notices under sub-rule (3), proceed to decide the disputed cases entered in the register of disputed cases and record therein his decision in respect of each dispute. The decision shall be announced to the persons assembled.

(6) The entries in the draft of the Index of lands shall be corrected in red ink by the talathi in the light of the decisions given under sub-rule (5). He shall also prepare a second draft of the Index of lands which shall contain all entries as they stand corrected.

31. Promulgation of record of rights.—(1) The second draft shall be published by issuing a notice in Form VII and publishing the notice in the manner provided in sub-rule (2) of rule 29. The notice shall call upon all persons having interest in the lands in the village to inspect the draft, which shall be kept open for inspection on the dates and times and at a place (which shall be convenient to the villagers) specified in such notice and informing them that the draft will be finalised and the record of rights promulgated by a Revenue or Survey Officer not below the rank of a Deputy Collector on the date and time to be specified in such notice, after hearing any appeals against the decisions taken in the disputed cases. The notice shall also call upon the persons aggrieved by the decisions in the register of disputed cases to hand over to the talathi before the aforesaid date their appeal petitions. On receipt of such petition the talathi shall give notice about the receipt of such petition to the other parties who are interested in the land and call upon them to be present on the date, the appeal petition is to be decided.

(2) On the appointed date and time, the officer concerned shall consider all the appeal petitions received by the talathi within the prescribed period and shall decide them after hearing the parties. He shall then get the entries in the second draft corrected in red ink in accordance with the decisions given by him on the appeal petitions and shall sign it at the end after adding a certificate that it has been duly approved by him. He shall then direct the talathi to transfer the entries in respect of each survey number or sub-division of a survey number or in respect of each field where the land is not surveyed, in the second draft to the record of rights in Form I allotted for the survey number or the sub-division of survey number or the field, as the case may be, and proclaim to the villagers that the record of rights so prepared shall be the record of rights of the village.

32. Mamlatdar responsible for maintenance of record of rights.—The Mamlatdar shall be responsible for the maintenance of the record of rights in all villages within his jurisdiction and for that purpose for the timely and systematic compliance of the provisions hereinafter appearing.

33. Acknowledgement of reports under rule 28 and Register of Mutations.—(1) On receipt of a report either orally or in writing under rule 28 about acquisition of rights in land, the talathi shall at once acknowledge its receipt in Form VIII and enter the mutation in the mutation register in Form IX maintained for each village.

(2) As soon as an intimation sent to him by the registering officer under rule 37 is received, the talathi shall make a separate entry in the mutation register about the mutation made by each document mentioned in such intimation.

(3) Where the acquisition of rights in any land is as a result of transfer of such land and such transfer cannot be made without the previous permission of any officer of Government, the talathi shall require the person making the report to him under rule 28 to produce before him such permission or such evidence of the order by which such permission is given, within fifteen days. If such permission or evidence is produced the talathi shall record this fact at the end of the entry in column 2 of the mutation register. If the permission is obtained but not produced or not at all obtained the talathi shall record this fact as aforesaid.

(4) Whenever the talathi received from the Mamlatdar, the Director of Land Survey or officers superior to him:—

- (i) any intimation about the passing of any order as a result of which mutation has taken place; or
- (ii) any intimation about hypothecation of any land for tagai loan;

he shall make an entry about the mutation in the mutation register.

34. Notice of mutation and pencil entries in record of rights. — As soon as an entry is made in the mutation register he shall at the same time post up a complete copy of the entry in a conspicuous place in the village. He shall also simultaneously give notice in Form X to all persons appearing from the record of rights or mutation register to be interested in the mutation and to any other person whom he has reason to believe to be interested therein, requiring them to submit to him either orally or in writing the objections, if any, to the entry in the mutation register, within fifteen days from the receipt of such notice. He shall also provisionally give effect to the mutation entry in the record of rights by bracketting the old entry in pencil and by writing in pencil below it the entry as modified by the mutation entry and followed by the serial number of the said mutation entry:

Provided that where the mutation entry is made as a result of item (ii) of sub-rule (4) of rule 33, it shall not be necessary to give written intimation under this rule.

35. Acknowledgement of objections. — The talathi shall acknowledge the objections received under rule 34 and shall also enter them in the register of disputed cases.

36. Mutation register to be examined by the Circle Inspector. — (1) The Circle Inspector shall visit the village and examine any entry made by the talathi in the mutation register and see if copies of every entry have been properly posted and notices have been properly served under rule 34 or not. The Circle Inspector shall give intimation of the date and time of such visit, sufficiently in advance to the talathi who shall inform the persons interested in the relevant mutation entries about such visit and call upon them to remain present at a prominent place in the village when the Circle Inspector visits the village.

(2) On visiting the village at the appointed time, the Circle Inspector shall read out aloud each mutation entry and explain it to the persons present. He shall also ask the persons interested in the relevant entry to state whether they admit the entry or whether they have any objection to it. If any objection is raised, the objection shall be entered by him in the register of disputed cases.

(3) The Circle Inspector shall initial the entries in the mutation register in respect of which no objection is received by the talathi or by him under sub-rule (2). Where the entry is admitted by the persons interested, the fact shall be noted by him in column 4 of the mutation register.

(4) If in respect of any entry in the mutation register, an error is noticed by the Circle Inspector or is pointed out to him by any one present, and such error is admitted by all persons interested in such entry who may be present or if such persons be not present, the Circle Inspector is himself satisfied about the existence of such error, he shall correct the error by bracketting the erroneous entry and inserting the correct entry by interlineation or side note or by an entirely fresh entry, in either case authenticated by his signature. If the error is not admitted, he shall enter the dispute in the register of disputed cases.

37. Certification of mutation entries and disposal of dispute. — (1) The disputes entered in the register of disputed cases and the entries in the mutation register shall be certified in the village or in its neighbourhood by a revenue or survey officer not below the rank of an Awal Karkun as far as possible within one year from the date of making the entry in the register. For this purpose the certifying officer shall give intimation in Form XI to the talathi sufficiently in advance.

(2) On receipt of the intimation the talathi shall issue notices in Form XII to the persons interested in the mutation entries to be certified and the disputes entered in the register of disputed cases at least fifteen days before the date fixed for certification of the mutation entry asking them to be present at the appointed time and place and further informing them that if they fail to remain present, the dispute will be decided and the mutation entries will be certified by the certifying officer in their absence.

(3) At the appointed time and place the certifying officer shall read out the mutation entries which are undisputed in the presence of the parties interested in such entries who may be present. If the correctness of an entry is admitted, the certifying officer shall record such admission in the mutation register and add an endorsement under his signature that the entry has been duly certified. If an error is noticed in the entry by the Certifying Officer and such error is admitted by the persons interested who may be present, the Certifying Officer shall correct the entry and certify the corrected entry as aforesaid.

(4) The Certifying Officer shall then decide each dispute entered in the register of disputed cases by holding a summary inquiry and shall record his decision in the said register. He shall also record in column 4 of the mutation register the order passed by him about the mutation entry in such decision and further make an endorsement under his signature to the effect that the mutation entry as modified by his order is certified by him.

(5) Where the mutation entry is made as a result of item (ii) of sub-rule (4) of rule 33, the Certifying Officer shall certify the entry after verifying it.

38. Giving effect to the certified entries in mutation register in record of rights. — (1) Immediately after the mutation entry is certified under rule 37, the talathi shall give effect to the mutation entry as certified in the record of rights in the following manner: —

- (i) Where the entry made in pencil in the record of rights remains unaltered by the mutation entry as certified, the talathi shall ink out the entry; and
- (ii) Where the entry made in pencil in the record of rights is altered by the mutation entry as certified, the talathi shall erase the entry made in pencil and write in ink the correct entry in conformity with the certified mutation entry.

(2) Where more than one mutation of an entry in the record of rights has taken place prior to the certification, each such mutation shall be transferred to the record of rights in the manner provided in sub-rule (1) in the order of occurrence of the mutations.

39. Intimation of transfers by registering officer and giving effect to such transfer in record of rights. — (1) When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Indian Registration Act, 1908, the officer registering the document shall send intimation to the Talathi of the village in which the land is situated and to the Mamlatdar of the Taluka, in Form XIII separately in respect of lands included in each village. Such intimation shall be given in the first week of each month for the documents registered in the preceding month. While sending the intimation to the talathi, it shall be sent in duplicate.

(2) On receipt of an intimation under sub-rule (1), the talathi shall immediately take action as if the intimation was a report made to him under section 28 and the provisions of rules 34 to 38 shall *mutatis mutandis* apply except that it shall not be necessary for the talathi to acknowledge receipt as provided in sub-rule (1) of rule 33. The talathi shall also enter the mutation entry number (s) in the «remarks» column of the duplicate copies of the intimation received under sub-rule (1) and return one copy to the Mamlatdar.

40. Register of cultivators and crops. — A register showing the names of persons who have cultivated the lands in a village, the crops grown therein and the area in which they are grown and where the lands are not cultivated, the names of persons in actual possession shall be maintained in every village. It shall be in the form of a separate card in Form XIII in respect of each survey number or sub-division of a survey number and shall be printed below the record of rights in Form I. Entries in the register shall be made every year in the manner provided in rules 41 and 42.

41. Procedure of making entries in register of cultivators and crops. — (1) Every year at any time during the period when the crops grown in the

village are standing in the fields, the talathi shall visit the village for the purpose of inspection of the crops and making entries in the register of cultivators and crops.

(2) The talathi shall give intimation of the date of his visit to the village for the purpose of sub-rule (1) to the Sarpanch of the village panchayat at least seven days in advance and shall request him to arrange to inform the villagers by beat of drum or by any other suitable method about the date (s) of visit of the talathi and its purpose and to call upon the villagers to be present in their fields and witness the entries being made in the register of cultivators and crops. He shall also request the Sarpanch to request the members of the village panchayat to accompany him during the crop inspection.

(3) On the appointed date (s) the talathi shall visit every field in the village in the presence of the members of the village panchayat and the villagers who agree to accompany him and make entries in the register of cultivators and crops in respect of each survey number or sub-division of a survey number. He shall allow the persons interested in land to see the entries made by him in respect of the land in which they are interested.

(4) For ascertaining the person who has cultivated a survey number or sub-division of a survey number or where the land is uncultivated of the person in actual possession, the talathi shall question the person who may be present in the land and also the villagers who accompany him. Where there is no dispute about such person, and where such person is also a person who according to the entries in the record of rights is entitled to cultivate the land or as the case may be, to be in actual possession, the talathi shall make entries in ink in the register in respect of that land.

(5) Where there is a dispute or disagreement about such person or where such person is other than the person who according to the entries in the record of rights is entitled to cultivate the land or as the case may be, to be in actual possession and such person is able to produce before the talathi documentary evidence in support of his possession of the land, the talathi shall make an entry in ink in respect of such land and shall also keep in column (17) of the register a note about the document produced in support of his possession. If the person is unable to produce such documentary evidence, the talathi shall make the entries in columns (2) and (3) of the register relating to such land in pencil and the remaining entries in ink. He shall also make a note in pencil in column (17) of the register about the dispute or discrepancy in possession.

42. Finalising entries in register of cultivators and crops. — (1) As soon as may be after the talathi has made entries in the register of cultivators and crops, the Circle Inspector or any Revenue Officer superior to him shall visit the village for the purpose of finalising the entries made in pencil under sub-rule (5) of rule 41 and for hearing the objections, if any, to the entries relating to crops made in the register by the talathi. He shall give intimation of the date of his visit to the talathi and the Sarpanch of the village at least seven days in advance. The Talathi shall arrange to inform all persons inter-

ested in the pencil entries of the officer's visit and shall call upon them to remain present at the appointed place and at the appointed time if they have any objection to the pencil entry.

(2) On the appointed date, the officer referred to in sub-rule (1) shall after hearing the objections, if any, to the pencil entries and the entries relating to crops and after holding such further enquiry as he deems necessary for ascertaining the correct factual position, ink out the pencil entry if it represent the correct factual position or make a fresh entry in ink in accordance with the correct factual position after erasing the pencil entry. He shall similarly correct the incorrect entries relating to crops and shall put his initials at the end of such entries.

43. Mutation entries corresponding to entries in register of cultivators and crops. — Where an entry made in the register of cultivators and crops relating to a survey number or a subdivision of a survey number indicates a mutation in respect of such land, the talathi shall make an entry in the mutation register about the mutation. Thereafter the provisions of rules 34 to 39 shall *mutatis mutandis* apply.

Other matters

44. Revenue Officer to exercise powers of survey officers. — For the purpose of preparing or revising any map or plan required for, or in connection with any record or register under the provisions of these rules, the Revenue Officers shall exercise the following powers of a survey officer —

- (a) A Circle Inspector and a Talathi may issue notices to secure the attendance of holders of land and of all persons interested therein. They may also send intimations to village officers connected with survey operations, requiring them to render necessary assistance and call upon the holders and the interested persons to assist in the measurement.
- (b) The revenue officers of and above the rank of an Awal Karkun may, if so required, issue summons to the holders and interested persons in order to secure their attendance and send intimation to the Taluka Officers connected with survey operations to render necessary assistance. Such officers may in the event of necessity employ hired labour for purposes of survey.
- (c) The cost of preparation or revision of maps with all contingent expenses including the cost of clerical and hired labour and supervision shall be assessed on the land to which such map or plans relate, by an Assistant or Deputy Collector in such a way that it will cover entire cost of measuring, assessing and mapping the land. Such cost shall be recovered from the holders of land as a revenue demand.

45. Inspection of record of rights. — The records and registers maintained under these rules shall, from time to time be inspected by revenue and survey officer not below the rank of a Mamlatdar. If any error in the entry is noticed by such officer during the course of his inspection, it shall be treated as a

fresh mutation and corrected in accordance with the provisions of these rules.

46. Entries made in pencil not to be accepted as evidence. — An entry made in pencil either in the record of rights or the register of cultivators and crops shall not be accepted as evidence in any proceedings before any authority, court or tribunal.

47. Correction of clerical errors. — The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a revenue officer may notice during the course of his inspection.

Provided that when any error is noticed by a revenue officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

48. Presumption of correctness of entries in record of rights and register of mutations. — An entry in the record of rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

49. Bar of suits. — No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended.

50. Inspection of maps and land records and certified copies thereof. — (1) Subject to the payment of the fees provided in sub-rule (2) all maps and land records shall, subject to such restrictions as may be imposed, be open to inspection by the public during office hours in the office of the officer in charge of the same and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same on payment of such fees as prescribed in sub-rule (2).

(2) The following fees shall be payable in cash for inspection and for supply of certified copies —

- (i) For each day on which the inspection is made 50 paise per hour subject to a maximum of Rs. 2 per day.
- (ii) For every certified copy of a serial number or entry in the record of rights, register of mutations, or register of cultivators and crops 5 paise.

51. Continuance or survey operations at the commencement of the Rules. — All survey operations commenced under any law for the time being in force, or any rule, order or direction of the Government, and either completed or continuing at the commencement of these Rules shall be deemed to have been commenced, completed or to be continuing under the provisions of these Rules.

FORM I
(See Rule 27)

Record of Rights of Village ... Taluka ...

Survey Number	Sub-Division Number	Name of field, if any	Name of occupant	Khata No.	Mutation entry No.
I. Cultivable area.		Ha	As		
(i) Dry crop					
(ii) Garden or irrigated.					
(iii) Rice	(a) Khazan (b) Ker (c) Morod				
Total					
II. Un-cultivable					
Class (a)					
Class (b)					
Total:					
(I+II) Total gross area					
Rs. Ps.	Other rights	Name of person holding rights	Nature of right	Mutation entry No.	

FORM II

[See Rule 29(1)]

Public Notice

Whereas it has been decided by Government to introduce record of rights in the village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas an index of lands in the village is now to be prepared under rule 30 of the said rules;

Now, therefore, I, ... Talathi of ... hereby give a public notice under Rule 29 of the said rules to all persons who have any interest in the lands in the said village and call upon them to furnish to me either in writing or orally, information on all or any of the following points in respect of

the land in which they are interested, within one month from the date of this notice:—

- 1) Survey Number and Sub-division Number, if any, or the name of the field and its boundaries in which the person has any interest as owner, occupant, holder, tenant, mortgagee, Government lessee (including a person holding land from the Government on emphyteusis or provisional concession), or in any other manner;
 - 2) The nature of interest in the said land;
 - 3) The tenure on which the land is held, that is to say, whether the land is held as owner, occupant or Government lessee;
 - 4) The encumbrance or charge, if any, on the said land and the name of the holder of such encumbrance or charge.

Place:

Talathi of ...

FORM III

[See Rule 39(1)]

Index of Lands

Village ... Taluka ...

Survey Number	Sub-Division Number	Name of the field	Tenure	Area and classification								Khata No. of occupant	Name of tenant	Khata No. of tenant	Rent payable by tenant	Other rights (i.e. rights held by persons other than occupant or tenant) or en- cumbrance	Initials of checking officer						
				Cultivable		(uncultivable) Pot-kharb		Area	Classification (i.e. dry crop, rice or gar- den)	Area	Classification (i.e. class (a) or class (b))												
				Ha	As.	Ha	As.																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16								

FORM IV
[See Rule 30(2)]

Public Notice

Whereas it has been decided by Government to introduce record of rights in the village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas a draft of the Index of lands has been prepared under rule 30 of the said rules;

Now, therefore, I, ... Talathi of ... village hereby call upon all persons having interest in the lands in the said village to inspect the draft of the Index of lands which is kept open for inspection on ... (here mention the dates on which the draft is kept for inspection) at ... (here mention the place at which the draft will be available for inspection) during the hours ... and to submit to me in writing within one month from the last date of inspection specified above, their objections, if any, to any of the entries in the said draft;

I also give notice that the entries in the said draft of the index of lands will be read aloud on ... at ... and the objections received by me within the aforesaid prescribed period will be enquired into and decided by ..., and call upon all persons having interest in the lands in the said village to be present at the aforesaid occasion.

Place: Talathi of ...
Date:

FORM V
[See Rule 30(3)]

Register of Disputed Cases

Sr. No.	Sr. No. in mutation register	Survey No. and Sub-Division No. or name of field	Date of receipt of objections	Particulars of disputes with names	Orders of Officers
1	2	3	4	5	6

Now, therefore, I, ... Talathi of ... village, hereby call upon you to be present before the officer who will enquire into the aforesaid dispute on ... at ... and place before him your say in the matter. It should please be noted that if you fail to remain present the dispute will be decided in your absence.

Place:

Date:

Talathi of ...

FORM VII
[See Rule 31(1)]

Public Notice

Whereas it has been decided by Government to introduce Record of Rights in the Village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas a second draft of the Index of Lands of the said village has been prepared under sub-rule (6) of rule 30 of the aforesaid Rules, after the disputes relating to the entries in the first draft of the Index of Lands were decided by (here mention designation of officer) ... and the said second draft is kept at ... for inspection by all persons having interest in the lands in the said village on ... between the hours ...;

And whereas the aforesaid draft of the Index of Lands will be finalised by (here mention designation of the officer) ... on ... at ... at ... after hearing appeals, if any, against the decisions given in the aforesaid disputed cases;

Now, therefore, I, Talathi of ... village hereby call upon all persons interested in the lands in the said village to inspect the second draft of Index of Lands. I further call upon those persons who may be aggrieved by the decisions in the disputed cases to give their appeal petitions against such decisions to me before ... for being heard and decided by the aforesaid officer and to remain present before him at the aforesaid time. It should pleased be noted that if they fail to remain present, the appeals will be decided in their absence.

Place: Talathi of ...
Date:

FORM VIII
[See Rule 33(1)]

Form of acknowledgement of the report regarding acquisition of right

Received from:
of village, taluka on 196 a.
report orally/in writing regarding the acquisition of rights
in respect of survey no. sub-division no. of
village, taluka with the following documents in support thereof:—

Place: Talathi of ...
Date:

FORM IX
[See Rule 31(1)]

Mutation register

Serial No. of entry	Nature of rights acquired	Name of the field or Survey and Sub-division Nos. affected	Initial or remarks by testing officers
1	2	3	4

And whereas it appears to me that you are interested in the entry in respect of the aforesaid land;

FORM X
(See Rule 34)

Notice

Whereas an entry has been made in the register of mutation of the village ... taluka ... regarding the acquisition of rights in land as specified below from the said village:—

Serial number of entry in mutation register	Nature of rights acquired	Name of the field or Survey number and sub-division number in which the rights have been acquired

And whereas, it appears to me that you are interested in the said mutation entry;

Now, therefore, you are hereby given notice of the said mutation entry and you are called upon to submit to me either orally or in writing within fifteen days from the day of receipt of the notice, your objection, if any, to the said mutation entry. Please note that if no objection is received by me within said period of fifteen days it shall be presumed that you agree to the mutation entry.

Place: Talathi of ...
Date:

FORM XI
(See Rule 37)

Place:

Date:

To
The Talathi of ..., taluka

Sir,

I am hereby informing you that I shall be camping at ... in village ... taluka at ... for the purpose of certifying the mutation entries made in the mutation register of ... village in your charge, which may have been made since the last visit of the Certifying Officer and for the purpose of deciding

disputes entered in the register of disputed cases relating to such mutation entries. I, therefore, call upon you to issue notices in Form XII prescribed under the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967, to all persons who are known from the village record to be interested in the mutation entries to be certified and the disputes about them, at least fifteen days before the date of my camp.

Yours faithfully,

Certifying Officer.

FORM XII

[See Rule 37(2)]

Notice

Whereas an entry has been made in the mutation register of village ... taluka regarding acquisition of rights in lands as specified below from the said village;

Serial number of mutation entry	Nature of rights	Name of the field or Survey number and sub-division number affected

And whereas the Certifying Officer will camp at ... in village ... taluka ... for the purpose of certifying the above entry after deciding the dispute, if any, in respect of the said mutation entry entered in the register of disputed cases;

And whereas it appears to me from the village record that you are interested in the said mutation entry;

Now therefore, I, Talathi in charge of the village in which the aforesaid land is situated, hereby give notice to you to remain present before the Certifying Officer for placing before him your say about the said mutation entry or the dispute about it. Please also note that if you fail to remain present, it shall be presumed that you have nothing to say in the matter and the dispute about the mutation entry will be decided and the mutation entry certified in your absence.

Place: Talathi of ...
Date:

FORM XIII
[See Rule 39(1)]

Registering Officer's monthly return of registered transactions affecting land in ... village, ... Taluka, ... District for the month of ... 19

No. in registration	Name of village in which the land is situated	Nature of the document	Survey No. (or plot No.) & Sub-division No. or name of the field affected by the transaction	Area	Assessment	Tenure	Name & residence of the executor of the document	Name & residence of the person in whose favour the document is executed	Where the registered transaction is by order or court or otherwise	Consideration	Date of execution of the document	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Place: —

Date: —

To

The Mamlatdar of ... Taluka District
The Talathi of ... Village, Taluka ... District.

Designation of the Registering Officer.

FORM XIV

(See Rule 40)

Register of cultivators and crops

Year	Name of cultivator	Mode	Season	Details of cropped area			Land not available for cultivation		Source of irrigation	Remarks
				Name of crop	Irrigated Ha. As.	Unirrigated Ha. As.	Nature	Area Ha. As.		

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue)

Panaji, 23rd December, 1967.

Local Self Government Department

Notification

DF-894-FOR-67

In exercise of the powers conferred by Section 18 of the Wild Animals and Wild Birds Protection Act 1965 and in pursuance of Section 19 of the said Act, the Administrator of Goa, Daman and Diu hereby notifies the following area comprising of the Reserve Forest of Collem Range falling within the village limits of Bottor, Toldem, Darguem, Tambdi, Borial, Surla, Atconda, Anvaldem, Nondrona, Molem, Caranzol, Sonaulim, Dudhasagar, Oxel, Boma, Dongurlim, Dudhal, Calem, Maulinguem, Zuna, Darguem, Cormonem, Oldevam, Shinggaon, Bolcornem, Godanem and delimited by the boundaries mentioned below, as a Game Sanctuary:

BOUNDARIES

North: Taluka boundary of Sanguem.

East: State boundary of Union territory of Goa.

South: Village boundaries of Darguem and Zuna villages.

West: Katcha road leading from Malpon to Collem village boundary and further along the perennial nala (river) upto Oldevan, and from there to the South along the katcha road which leads to Kaley Railway Station. From Kaley Railway Station along the road which leads to Darguem village boundary.

and further directs that the Collector Goa shall inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of the aforesaid area and deal with the same as provided in the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. P. Upasani, Secretary to Chief Minister.

Panjim, 28th December, 1967.